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REMARKS

In paragraph 2 of the office action, the examiner rejects claims 31, 34-41, 43-44, 46-47, 50-58 and 60 under 35 U.S.C. 102(e) as being anticipated by Feigenbaum, US Patent No. 6,339,785.

The Feigenbaum invention is directed to a client fetching a file by finding a plurality of servers having the file and downloading a portion of the file from each of the plurality of servers in parallel. The goal is to improve the time needed to download a file to the client by downloading separate portions from multiple servers.

The present invention is directed to providing a client with a requested portion of a file from a single server wherein the requested portion is downloaded ahead of other portions out of ordinary order. The client can receive the requested portion much more quickly than waiting for the complete file to transfer. The portion is transferred first and then portions not already transferred are then transferred as shown in the claims.

Feigenbaum fails to teach a requester requesting at a client a portion of a remote file (other than a first portion of the file) at a server. Feigenbaum further fails to teach downloading the requested portion out of order, skipping portions already downloaded and making the first portion available to the user as soon as it is downloaded as shown in the claims.

The examiner says as to claims *31, 40, 46, 47, 50, 53, 54, 57 and 60, Feigenbaum teaches the method of claim 31. Claims 31, 47 and 54 are claims to a form of the invention directed to a client computer receiving portions from a single server while claims 40, 50 and 57 are claims to a form of the invention directed to a

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single server providing a file in portions to a client. Feigenbaum is silent on requesting a download of all portions of a file from a single server.

The examiner says as to claim 31, Feigenbaum teaches "method for transferring remote files from a remote server to a local client, the method comprising the steps of: receiving a file request at the local client from a local file requester to download all portions of the remote file to the local file (col 2 lines 40-col. 3 lines 67);" The applicant disagrees. Feigenbaum requires a plurality of servers while the present invention is directed to "a server".

The examiner says Feigenbaum teaches "responsive to the received file request, initiating the retrieval of all portions of the remote file to the local file (col 2 lines 40-col. 3 lines 67);" The applicant disagrees. Feigenbaum is silent on requesting a download of all portions of a file from a single server.

The examiner says Feigenbaum teaches "responsive to the initiating the retrieval, retrieving all portions of the remote file to the local file, wherein the retrieval performed in response to the initiating the retrieval of all portions of the remote file skips portions already retrieved (col 2 lines 40-col. 3 lines 67);" The applicant disagrees. Feigenbaum is silent on skipping portions already retrieved.

The examiner says Feigenbaum teaches "making the portions retrieved at the local file available to the file requester (col 2 lines 40-col. 3 lines 67);" The applicant disagrees, Feigenbaum teaches waiting for all portions to assemble the whole file and making the whole file available to the user.

The examiner says Feigenbaum teaches "receiving at the local client a portion request from a local portion requester to retrieve a portion of a remote file from the remote server to a local file at the client server, the remote file having one or more first portions preceding a second portion, the portion

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request comprising information specifying the second portion of the remote file (col 2 lines 40-col. 3 lines 67);" The applicant disagrees. Feigenbaum is silent on receiving at the local client a portion request. Feigenbaum is silent on requesting a file beginning at a portion following a first portion.

The examiner says Feigenbaum teaches "responsive to the portion request, when the status of the portions received indicates that the second portion has not been received at the local file and when one of the one or more first portions has not yet been received from the remote file, initiating from the local client the retrieval of the second portion of the remote file to the local file (col 2 lines 40-col. 3 lines 67); and" Feigenbaum is silent on retrieving a file from a single server a portion at a time and is further silent on initiating transfer of a not received portion of a file from a single server based on status information.

The examiner says Feigenbaum teaches "when the second portion has been received at a second portion of the local file, making the second portion of the local file available to the portion requester (col 2 lines 40-col. 3 lines 67)." The applicant disagrees. Feigenbaum teaches waiting for all portions to assemble the whole file before making any portion of the file available to the user.

The applicant therefore submits that claim 31 is allowable, which allowance is respectfully requested.

As the elements of claim 31 apply to claims 40, 46, 47, 50, 53, 54, 57 and 60, these claims are also allowable, which allowance is respectfully requested.

The examiner directs his rejections also to claims 40, 46, 50, 53, 57 and 60 which are claims directed to a server sending all portions of a file to a client.

Claim 40 is directed to "a method for transferring local files from a local server to a remote client, the method comprising the

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steps of: receiving a file request from a remote file requester to send all portions of the local file to the remote file (col 2 lines 40-col. 3 lines 67);" The applicant disagrees. Feigenbaum is silent on a single server receiving a request for all portions of a file.

Claim 40 further claims "initiating the sending of all portions of the local file to the remote file, wherein sending portions in response to the initiating the download of all portions of the local file, skips portions already sent to the remote file (col 2 lines 40-col. 3 lines 67);" The applicant disagrees. Feigenbaum is silent on a single server sending all portions of a file and skipping portions already sent.

Claim 40 further claims "receiving a portion request from a remote portion requester to send a portion of a local file to a remote file, the local file having one or more first portions preceding a second portion, the portion request comprising information specifying the second portion of the local file; and (col 2 lines 40-col. 3 lines 67)" The applicant disagrees. Feigenbaum is silent on a single server a plurality (or all) portions of a file. Feigenbaum is silent on a portion request for a second portion following a first portion of a file of a single server.

Claim 40 further claims "responsive to the portion request, when one of the one or more first portions has not yet been sent, sending the second portion of the local file to the remote file. (col 2 lines 40-col. 3 lines 67)" The applicant disagrees. Feigenbaum is silent on a single server sensing that a portion has not been sent and sending the portion accordingly. The applicant therefore submits that claim 40 is allowable, which allowance is respectfully requested.

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Claim 46 is directed to "the method according to claim 40 comprising the further steps of: receiving a remote portion request at the remote client from a portion requester application to retrieve the second portion of the local file to the remote file; (col 2 lines 40-col. 3 lines 67)" Feigenbaum is silent on a portion request from a requester application

Claim 46 further claims "determining the status of the portions received at the local file; responsive to the remote portion request, when the status of the portions received indicates that the second portion has not been received at the remote file and when one of the one or more first portions has not yet been received, sending the portion request to the local server; and (col 2 lines 40-col. 3 lines 67)" Feigenbaum is silent on a single server sending a portion when status information indicates the second that a portion has not been received by a client.

Claim 46 further claims "when the second portion has been received at the second portion of the remote file, making the second portion of the remote file available to the portion requester application. (col 2 lines 40-col. 3 lines 67)" Feigenbaum is silent on making a portion of a file available to a requester application. Feigenbaum waits until the complete file has been assembled at the client.

The applicant therefore submits that claim 46 is allowable, which allowance is respectfully requested.

The applicant does not understand the examiners rejection of Claim 52 which claims "the system according to claim 50 comprising the further steps of: when the second portion has been sent to the remote file, continuing the sending of the local file, the sending continuing at the portion of the local file following the end of the second portion."

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The examiner says Feigenbaum teaches claim 34 "the method according to claim 31 comprising the further steps of: when the second portion has been received at the local file, continuing the retrieval of the remote file, the retrieval continuing at the location of the remote file following the end of the second portion. (col 2 lines 40-col. 3 lines 67)" The applicant disagrees. Feigenbaum teaches retrieving each portion from a separate server in parallel. Feigenbaum is silent on fetching portions in any order from a server.

The applicant therefore submits that claim 34 is allowable, which allowance is respectfully requested.

The examiner says Feigenbaum teaches claim 37 "the method according to claim 36 wherein the local file created is portion addressable such that a downloaded portion can be directly accessed within the local file by a local client application. (col 2 lines 40-col. 3 lines 67)" The applicant disagrees. Feigenbaum is silent on addressability of the local file and in fact does not make a local file available to the user until all portions are downloaded.

The applicant therefore submits that claim 37 is allowable, which allowance is respectfully requested.

The applicant submits that independent claims 47, 50, 54 and 57 are allowable as they comprise the limitations of allowable claims 31 and 40, which allowance is respectfully requested.

The applicant submits that claims 34-39, 41, 43-44, 51-53, 58 and 60 are allowable as they depend on allowable claims 31, 40, 50, 54 and 57, which allowance is respectfully requested.

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It is respectfully submitted that the application is now in condition for allowance, which allowance is respectfully requested.

RESPECTFULLY SUBMITTED

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